

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA, )  
 )  
 *Plaintiff,* )  
 )  
 v. )  
 )  
 MARIO S. LEVIS, )  
 a/k/a "Sammy Levis," )  
 )  
 *Defendant.* )  
 \_\_\_\_\_ )

**CASE NO. 08-CR-181 (TPG)(S)**

**DEFENDANT'S ADDITIONAL  
REQUESTED JURY INSTRUCTIONS**

ROY BLACK, ESQ.  
(FL Bar No. 126088)  
HOWARD SREBNICK, ESQ.  
(FL Bar No. 919063)  
MARIA D. NEYRA, ESQ.  
(FL Bar No. 074233)  
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

*Plaintiff,*

v.

MARIO S. LEVIS,  
a/k/a "Sammy Levis,"

*Defendant.*

**CASE NO. 08-CR-181 (TPG)(S)**

**DEFENDANT'S ADDITIONAL REQUESTS TO CHARGE**

Pursuant to Rule 30 of the Federal Rules of Criminal Procedure, Defendant Mario Levis respectfully requests that the Court include the following instructions in its charge to the jury.

Respectively submitted,

/s/ Roy Black  
ROY BLACK, ESQ.  
(FL Bar No. 126088)  
HOWARD SREBNICK, ESQ.  
(FL Bar No. 919063)  
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**REQUEST NO. 1**

**Materiality – Securities Fraud**

The assessment of materiality, in the context of the securities fraud charge, requires you to view the allegedly misstated fact in the context of all the circumstances, including the total mix of information made available by Doral to the public.

**REQUEST NO. 2**

**Materiality – Wire Fraud**

The assessment of materiality, in the context of the wire fraud charges, requires you to view the allegedly misstated fact in the context of all the circumstances, including the total mix of information made available by Doral to the public.

**REQUEST NO. 3**

**Theory of Defense – Good Faith**

\_\_\_\_\_It is Mr. Levis's defense that he had a good faith belief that embedded in all the contracts were caps and calls (that he believed functioned like caps) which, along with purchased caps and other hedging instruments, ensured that the IO portfolio would always generate a hefty and positive spread for Doral.

**REQUEST NO. 4**

**Theory of Defense – Wire Fraud**

On the wire fraud charges, it is Mr. Levis's defense that he did not intend to cause a loss to any investors. Mr. Levis's defense is that he believed that the contracts, coupled with external caps and other hedging instruments purchased by Doral, ensured that the investors would be protected against loss or risk of loss.

**REQUEST NO. 5**

**Theory of Defense – Securities Fraud**

On the securities fraud charges, it is Mr. Levis's defense that he did not intend to cause a loss to any investors. Mr. Levis's defense is that he believed that the contracts, coupled with external caps and other hedging instruments purchased by Doral, ensured that the investors would be protected against loss or risk of loss.

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY**, that on April 27, 2010, I electronically filed the foregoing document through CM/ECF, which will then transmit a copy of the document to:

William Stellmach, AUSA  
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/s/ Roy Black  
ROY BLACK, ESQ.